

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ottoboni <i>et al.</i>	Docket No:	375430-002T1D1C1 (355479)
Serial No.:	10/690,045	Confirmation No.:	3501
Filed:	October 20, 2003	Group Art Unit:	1615
For:	Microparticles Useful as Ultrasonic Contrast Agents and for Delivery of Drugs into the Bloodstream	Examiner:	Kevin J. Capps

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PENDING "REFERENCE" APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Point Biomedical Corporation, of 100% interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application No. 09/637,516, filed on August 11, 2000, as such term is defined in 35 U.S.C. §§ 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on said reference application, as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application, in the event that any such patent granted on the pending reference application:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321;

has all claims canceled by a reexamination certificate;

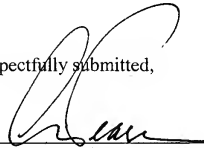
is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney or agent of record.

The Director is authorized to charge the Terminal Disclaimer fee under 37 CFR § 1.20(d) of \$65 (Small Entity) to Dechert Deposit Account No. 50-2778 (**Order No. 37543.0-002T1D1C1 (355479)**)).

Respectfully submitted,



Ann M. Caviani Pease
Reg. No. 42,067

Date: June 4, 2007

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